IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27427 of 2007(M)

PETITIONER:

SUDHEESH K.S., S/O. SUDHAKARAN,
KRISHNAVILASOM, VELIYANNOOR P.O.,KOTTAYAM DISTRICT

BY ADV. SRI.G.HARIHARAN
SMT.N.C.SALINI

RESPONDENTS:

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1. JOINT REGIONAL TRANSPORT OFFICER, PALA.

2. SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, FEROKE, KOZHIKODE DISTRICT.

3. MOTOR VEHICLE DEPARTMENT,
SPECIAL SQUAD, OFFICE OF THE DEPUTY TRANSPORT
COMMISSIONER (NORTH ZONE), KOZHIKODE.

4. K. VIJAYAN,
KRISHNA VIHAR, OLAVANNA P.O., PANTHEERANKAVU,
KOZHIKODE-19.

R1 TO R3 BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 27427 OF 2007 M
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Dated this the 24th September, 2007

J U D G M E N T

The prayer in the writ petition is to direct respondents 1 to 3 not to release the vehicle mentioned in Ext.P1 without effecting transfer of ownership in the name of the 4th respondent. It is the case of the petitioner that though the vehicle has been transferred by an agreement, for non-payment of tax the same has been taken into custody by the authorities and that the vehicle is now in the police custody. According to the petitioner, the liability for payment of tax is that of the 4th respondent. The present request is obviously made to prevent steps against the petitioner for recovery of tax. Such preemptive litigation cannot be permitted. In any case even going by the averments in the writ petition no application has been filed before any authorities for transfer of registration in which event the prayer sought for by the petitioner cannot be

granted.

The writ petition fails and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-